

**Virginia Department of Education
Implementing the *No Child Left Behind Act of 2001***

Title III, Part A – Limited English Proficient

Assessment

1. What are the testing requirements for limited English proficient (LEP) students for the 2002-2003 school year?

There are two testing requirements for LEP students for the 2002-2003 school year. The first requirement is academic assessments in mathematics and language arts/reading for grades 3-8 [Sec. 1111(3)(A)]. The second requirement is an academic assessment of English language proficiency for all LEP students measuring students' oral language, reading, and writing ability [Sec. 1111(7)]. Both requirements are described in more detail below.

Academic Assessment in Mathematics and Language Arts/Reading

The academic assessment requirement for the 2002-2003 school year will be governed by the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-10 et. seq.) as stated in the Virginia Board of Education Resolution on Testing Policies in Effect for the 2002-2003 school year. The complete text of the Board resolution can be found at:

<http://www.pen.k12.va.us/VDOE/suptsmemos/2003/int001.html>.

There are four sections of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) that relate to assessment of LEP students.

- LEP students shall have a one-time exemption in each of the four core areas for SOL tests designed to assess SOL content in kindergarten through grade 8.
- LEP students shall not be exempted from participating in the SOL end-of-course testing.

[8 VAC 20-131-280(E)]

- Eligible students shall be defined as the total number of students enrolled in the school at a grade or course for which a SOL test is required unless excluded under subsection E of this section. . .

[8 VAC 20-131-280(4)]

- Participation in SOL testing by students identified as limited English proficient (LEP) shall be guided by a school-based committee convened to make such determinations. In kindergarten through eighth grade, limited English proficient students may be granted a one-time exemption from SOL testing in each of the four core areas.

[8 VAC 20-131-30 (G)]

- The scores of LEP students enrolled in Virginia public schools fewer than 11 semesters may be removed from the calculation used for the purposes of school accreditation.

[8 VAC 20-131-280 (3)]

English Language Proficiency Assessment Requirement

All K-12 LEP students must be assessed for English language proficiency for the 2002-2003 school year. Title III sub-grantees must use one of the four board-approved English Language Proficiency (ELP) assessments listed at <http://www.pen.k12.va.us/VDOE/Instruction/ESL/AssessmentInstruments.pdf> or submit their locally developed and/or selected ELP assessments to a Department of Education review panel for Board of Education approval.

2. What is the status of the proposed “proxy” testing option for certain LEP students?

Critical Element 5.4 of the Consolidated State Application Accountability Workbook that was adopted by the Board of Education on April 29, 2003, includes the option for certain LEP students to take state-approved assessments (i.e., proxy assessments) linked to the Standards of Learning. The proposal states that effective with the 2003-2004 academic year, all limited English proficient students will participate in the Virginia state assessment system.

- LEP students in grades 3-8 at the lower levels (Level 1 and Level 2) of English language proficiency will take the Standards of Learning assessments for English reading and mathematics, with or without accommodations, or state-approved assessments linked to the Standards of Learning. LEP students cannot take assessments linked to the Standards of Learning for more than three consecutive years.
- Decisions regarding LEP student participation in the state assessment program will be guided by the school-based committee as described in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, 8 VAC 20-131-30 (G)]

The development of additional mathematics assessments with linguistic accommodations (i.e., plain language forms) has been accelerated, and the Department of Education anticipates having these tests available in 2003-2004.

3. How will AYP be calculated for LEP students for the 2002-2003 school year if a school division chooses to exempt LEP students?

The Virginia Board of Education Resolution on Testing Policies in Effect for the 2002-2003 school year directs school divisions to follow the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA). According to the SOA, eligible students shall be defined as the total number of students enrolled in the school at a grade or course for which a SOL test is required unless excluded under subsection E of this section. . . [8 VAC 20-131-280(4)] Therefore, in accordance with the SOA, AYP for the 2002-2003 school year would be calculated on the number of LEP students that take the SOL.

Funding

4. Is there a cap on the amount of Title III funds that can be carried over?

No. According to the Tydings Amendment (Section 421(b) of the General Education Provisions Act), there is no cap on the amount of funds that can be carried over for Title III.

5. How long is the carryover period for Title III funds?

According to EDGAR, Sec. 76.709, if a state or sub-grantee does not obligate all of its grant or sub-grant funds by the end of the fiscal year for which Congress appointed the funds, it may obligate the remaining funds during a carryover period of one additional fiscal year.